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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF JAMES MAPES IN SUPPORT OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

I, James Mapes, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am a legal observer for the ACLU of Oregon.
3. I reside in Portland, Oregon.
4. Between June 2020 and January 2022, I observed protests in Portland, Oregon in person. I wear a blue mesh vest that clearly identifies me as a legal observer with white lettering on the back and front of the vest. Additionally, I have a blue hard hat with the ACLU Legal Observer signage on it. I do not participate in the protests. I am a neutral observer of police conduct and ensure that protesters are able to exercise their First Amendment rights safely.
5. On many nights I was observing the protests, I noted that PPB officers would frequently use force against protesters who were peacefully remaining in place following orders to disperse, or who were complying with police orders to move out of the area.
6. One of the protests I observed in person was on July 17th, 2020.

7. During my observations of this protest, I observed that the number of participants varied from groups of over 500 people to 50 people.

8. I observed members of the Portland Police Bureau (PPB) as they interacted with protesters. Based on my experience observing protests in Portland, I am confident that I can distinguish between PPB and other law enforcement agencies based on the patches and badges on the uniforms and the protective helmets that had distinguishing numbers on the back of them.

9. On July 17, 2020, I observed the protest downtown at the Justice Center. I was there from 8:30 pm to 3:30 am. As the Portland Police cleared protesters out of the area around the Justice Center at 1:30 am through 2:30 am, I observed "bull rushes," tackles, and less-lethal munitions being used against peaceful protesters, many of whom were already moving away from police lines.

10. In particular, around 1:50 am, the Portland Police had pushed a group of approximately 30 protesters across SW 6th Ave. The protesters stood across the street from the riot line. After approximately five minutes with no movement, the Portland Police began retreating. When they remounted the sidebars of their transport van, they threw at least one smoke grenade at the protesters, as well as discharging less-lethal munitions at least 4 times before driving away. They moved to the van slowly and in a measured way, not in a manner I would anticipate from somebody who believed themselves to be under the threat of harm.

11. After the police departed, I spoke to one protester who described that he was shot with less-lethal munitions while standing still and remaining peaceful.

12. Following this, the same evening, Portland Police announced it was closing downtown and cleared protesters to the west using a "bullrush" tactic. During this bullrush, I saw officers tackle at least one protester, as well as push many others. I did not observe any protester threaten or provoke any police officers.

Executed on January 13, 2022.

James Mapes

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